



**STATE OF ARIZONA
PSYCHIATRIC SECURITY REVIEW BOARD
GENERAL SESSION MINUTES
November 4, 2016**

Members:

Carol Olson, M.D., Chairperson
James Clark, M.D., Vice-Chairperson ☞
Susan Stevens, Esq.
Julio Ramirez, Ph.D.
Paul O'Connell

☞ Absent

Assistant Attorneys General:

Thomas Raine, Esq., for the Psychiatric Security Review Board
Louis Caputo, Esq., for the Arizona State Hospital

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Aaron Nelson, ASH
Alex Dawson, Maricopa County Public
Defender
Alice Pickering, ASH
Angelee Shalby, Maricopa County Public
Defender
Ashleigh Henneberger, AHCCCS
Brian Beckett, La Frontera-Empact
Brian Garner, Maricopa County Public
Defender
Christie Saracino, ASH
Connie Williams, AHCCCS

Denae Suchy, Maricopa County Public
Defender
Daniel Salazar, Maricopa County Public
Defender
David Basham, Hope Lives
Dawood Mulla, M.D., ASH
Debbie Reichow, AHCCCS
Diane Wagner, ASH
Eric Woothon, Maricopa County Public
Defender
Ida Nolan
Jandely Eich, ASH

Janine D'Haven, Cenpatico
Julie Jackson, ASH
June Comroe, Maricopa County Public
Fiduciary
Kennedy Klagge, Esq., Yavapai County
Public Defender
Kimberly Boersema, ASH
Kimberly Goff, ASH
Kristen Lambeth
Krystal Leyvas, Maricopa County Public
Fiduciary
Lindsey Arendt, ASH
Manuel Gray, La Frontera-Empact
Marc Bivens, Maricopa County Public
Defender
Melissa Falls, ASH
Naqeeba Gross, Maricopa County
Attorney's Office
Nora Greer, Esq.
Rachel Golubovich, Maricopa County
Public Defender

Rebecca Bogumill, ASH
Robert J. Trebilcock, Esq., Attorney
Sharla Denton, ASH
Sharon Ashcroft, Human Rights Committee
Sheena Lemmons, Maricopa County Public
Defender
Stefanie Jones-Campbell, Esq., Pinal County
Public Defender
Sue Grace
Susan Eazer, Esq., Yavapai Deputy County
Attorney
Tammy Wray, Esq., Maricopa County
Public Defender
Tonai Carreras, Gila River Public Defender
Tracy Linkes
Walter Ashbrook, Maricopa County Public
Defender
Yanile Abdelhafes, ASH
Zach Devilbliss, Maricopa County Public
Defender

☎ Participated Telephonically

CALL TO ORDER

Carol Olson called the meeting to order at 1:05 p.m., read the Executive Session Confidentiality Statement and swore in individuals who anticipated testifying.

STATUTORY HEARINGS

Barbara Downey-Lebourdais – PSRB No. 99-17

Barbara Downey-Lebourdais was present and her attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:07 p.m. to 1:08 p.m. pursuant to Arizona Revised Statutes (A.R.S.) § 13-3994(H). Ms. Lebourdais was requesting permission to travel out-of-state.

After a brief discussion, a motion was made by Julio Ramirez, seconded by Susan Stevens and passed 4 – 0 to approve the request for Ms. Lebourdais to travel out-of-state from November 9th to November 17th, as indicated in the request.

Peter Rice Sherman – PSRB No. 10-03

Peter Rice Sherman was present and his attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:09 p.m. to 1:11 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended an amendment to the conditional release plan to remove an individual from the list of approved pass supervisors.

Dr. Olson requested clarification as to what occurred. Dawood Mulla, Mr. Rice's attending practitioner, and Ms. Jones-Campbell said that Mr. Sherman's pass supervisor took him to an A.A. meeting and left without Mr. Sherman. Mr. Sherman took the appropriate action and called ASH immediately to request transportation. Mr. Sherman had no objection to ASH's recommendation.

A motion as made by Susan Stevens, seconded by Paul O'Connell and passed 4 – 0 to grant ASH's request to strike Mr. Cornelius O'Driscoll from the list of approved pass supervisors from Mr. Sherman's conditional release plan.

Billie Jo Peters – PSRB No. 03-09

Billie Jo Peters was present and her attorney, Tammy Wray. The statutory hearing was held from 1:12 p.m. to 1:23 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the community.

Tammy Wray began by informing the Board that there were two people who wished to address the Board. Tracy Linkes, Ms. Peters' sister, was teleconferenced in at that time. Dr. Olson summarized that the recommendation was to discharge Ms. Peters to a twenty-four (24) hour residential facility.

Sharon Ashcroft was sworn in and testified that she has worked with Ms. Peters for many years. She said that Ms. Peters has done a lot of work preparing for this day, has an excellent support system, has a plan for continuing with A.A. and even has a second sponsor. Sue Grace was sworn in and testified that she has known Ms. Peters for about twelve years; her family supports Ms. Peters and is welcome into her home. She added that Ms. Peters spends one weekend a month at her home and there has never been an issue; Ms. Peters is always respectful and wants to follow the rules. Tracy Linkes was sworn in and testified that she feels her sister is ready for this step; her sister is mindful and has a strong support system in place; she is proactive and works hard at her recovery.

Dr. Olson requested that Ms. Peters think back to her return to the Hospital in 2012 and asked if she did anything differently this time. Ms. Wray shared that Ms. Peters had anticipated the question and had prepared a statement. Ms. Peters read from her prepared

statement which included her plans to remain compliant, cited changes in medication and a better support system.

After discussion, a motion was made by Susan Stevens, seconded by Julio Ramirez and passed 4 – 0 to approve Billie Jo Peters for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Ms. Peters' mental disease or defect is in stable remission and she is not dangerous if she resides in the facility specified in the conditional release treatment plan and remains compliant with the terms of conditional release and the treatment plan presented today.

Amado Salas – PSRB No. 02-06

Amado Salas was present and his attorney, Tammy Wray. The statutory hearing was held from 1:24 p.m. to 1:26 p.m. pursuant to A.R.S. § 13-3994(H) and (M). ASH recommended revocation of conditional release.

Dr. Olson summarized that on August 26, 2016, the PSRB approved conditional release to the community. However, Mr. Salas had since decompensated and was not discharged. Ms. Wray said that her client read the report and disagreed with the findings related to dangerousness. She shared that when Mr. Salas had a recurrence of symptoms; he did exactly what was necessary by reporting the symptoms to the treatment team and followed the team's recommendations.

After discussion, a motion was made by Susan Stevens, seconded by Paul O'Connell and passed 4 – 0 to revoke the Conditional Release for Amado Salas based on the evidence presented by the ASH treatment team that Ms. Salas's mental condition has deteriorated and is no longer in stable remission requiring that he remain at the Arizona State Hospital for further evaluation and treatment.

Eunice Julia Garcia – PSRB No. 02-06

Eunice Julia Garcia was present and her attorney, Tammy Wray. The statutory hearing was held from 1:27 p.m. to 1:28 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended a reduction in privileges to level three.

Dr. Olson explained that ASH believes that level three of conditional release to the Hospital is no longer appropriate. Ms. Wray shared that her client asks that the Board follow the recommendation.

A motion was made by Paul O'Connell, seconded by Julio Ramirez and passed 4 – 0 to approve the recommendation to modify Ms. Garcia's conditional release plan to level three, as noted by the treatment team.

Charles Edward Smith, Jr. – PSRB No. 08-05

Charles Edward Smith, Jr., was present and his attorney, Tammy Wray. The statutory hearing was held from 1:29 p.m. to 1:35 p.m. pursuant to A.R.S. § 13-3994(H). The outpatient treatment team recommended independent living.

Dr. Olson commented that Mr. Smith has been living with his mother, and wishes to live in his own apartment. Ms. Wray said that Brian Beckett, Mr. Smith's case manager was present if the Board wished to hear testimony from the treatment team. She outlined that Mr. Smith currently receives social security benefits and is exploring subsidized housing opportunities. Mr. Smith does not expect that housing be available right away. Ms. Wray also added that Mr. Beckett and the treatment team are willing to provide any ancillary services that the PSRB may want to put in place.

Dr. Olson shared that typically, the PSRB will approve the recommendation and require that the address be updated in the Board's records when the move occurs. Dr. Olson swore in Mr. Beckett and he said that the treatment team was not recommending ancillary services. Mr. Holmes and the Board discussed the frequency of contact with the outpatient treatment team.

A motion was made by Carol Olson, seconded by Julio Ramirez and passed 4 – 0 to approve the recommendation to allow Mr. Smith to move from his mother's home to independent living, with the requirement that Mr. Smith provide the PSRB his new address prior to moving to it.

Osman M. Abdi – PSRB No. 08-05

Osman M. Abdi's presence was waived by his attorney, John W. Blischak. The statutory hearing was held from 1:36 p.m. to 1:43 p.m. pursuant to A.R.S. § 13-3994(J). The outpatient treatment team recommended independent living.

Dr. Olson summarized that ASH did not recommend civil commitment because Mr. Abdi was already court ordered for treatment.

June Comroe, Maricopa County Public Fiduciary (MCPF) and legal guardian of Mr. Abdi, requested clarification as to ASH's plans for Mr. Abdi. Since she was assigned to the case in July she has attended staffings and shared that the discussions were centered on discharge. Ms. Comroe said that based on the current level of aggression, assaults and level of intense

staff ratio needed for Mr. Abdi, she is against discharge because of his level of risk to the community. Ms. Comroe shared that she had learned that Mr. Abdi would first be discharged to a level one treatment center and wait to be re-admitted to ASH civilly and, based on discussions she has had with the treatment team, a level one facility is not able to manage Mr. Abdi's behaviors and questions whether the civil side of the State Hospital is able to as well.

Discussion ensued among Board members and Mr. Blischak with regard to the civil commitment process.

After discussion, a motion was made by Carol Olson, seconded by Julio Ramirez and passed 4 – 0 to allow the term of Osman Abdi's supervision under the PSRB expire without ordering the Pima County Attorney to initiate civil commitment proceedings, due to Mr. Abdi currently being under an order for treatment.

Christopher William Lambeth – PSRB No. 07-06

Christopher William Lambeth was present with his attorney, John W. Blischak. The statutory hearing was held from 1:44 p.m. to 1:47 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the community.

Dr. Olson summarized the recommendation and shared that there is someone who wished to address the PSRB. David Basham from HopeLives was sworn in and shared that he teaches computer rebuild and repair to Mr. Lambeth at HopeLab. Mr. Basham said that Mr. Lambeth is an excellent student who shows initiative, helps others and shows promise for attaining a certification.

A motion was made by Julio Ramirez, seconded by Paul O'Connell and passed 3 – 1 to approve Christopher Lambeth for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Lambeth's mental disease or defect is in stable remission and he is not dangerous if he resides in the facility specified in the conditional release treatment plan and remains compliant with the terms of conditional release and the treatment plan presented today.

Susan Stevens opposed the motion.

Cuahtémoc “C.A.” Aguilla Carrasco – PSRB No. 07-06

C.A. Carrasco was present with his attorney, John W. Blischak. The statutory hearing was held from 1:48 p.m. to 1:50 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the Hospital, phase two, levels three and four.

After discussion, a motion was made by Paul O’Connell, seconded by Julio Ramirez and passed 4 – 0 to approve Mr. Carrasco for conditional release to Arizona State Hospital, phase two, levels three and four, and adopt the conditional release transitional treatment plan, based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Carrasco’s mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of his conditional release and the treatment plan presented today.

Jessica Marie Deckard – PSRB No. 07-06

Jessica Marie Deckard was present with her attorney, Robert J. Trebilcock. The statutory hearing was held from 1:51 p.m. to 1:52 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the Hospital, phase one, levels one and two.

After discussion, a motion was made by Julio Ramirez , seconded by Susan Stevens and passed 4 – 0 to approve Ms. Deckard for conditional release to Arizona State Hospital, phase one, levels one and two, and adopt the conditional release transitional treatment plan, based on the evidence presented by the Arizona State Hospital’s treatment team, that Ms. Deckard’s mental disease or defect is in stable remission and she is not dangerous if she remains a resident of the State Hospital and is compliant with the terms of her conditional release and the treatment plan presented today.

Steven Richard Licon – PSRB No. 10-06

Steven Richard Licon was present with his attorney, Nora Greer. The statutory hearing was held from 1:53 p.m. to 2:26 p.m. pursuant to A.R.S. § 13-3994(F)(4). ASH recommended transfer to the Arizona Department of Correction (ADC).

Dr. Olson shared that the case has been continued for several months pending an independent evaluation. Ms. Greer affirmed that she does not plan to submit an independent evaluation and expressed appreciation for the Board’s patience. Ms. Greer also shared that her client objects to the recommendation and requested that the PSRB recess into executive session so she can establish the bases for Dr. Bhatti’s findings.

A motion was made by Carol Olson, seconded by Julio Ramirez and passed 4 – 0 to recess into executive session at 1:55 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After consideration in executive session, the Board reconvened in general session at 2:21 p.m.

In open session, Dr. Olson advised the Board members that the decision before them is based on A.R.S. § 13-3994(F)(2) and (4). Ms. Greer requested that the PSRB consider Mr. Licon's entire record, and argued that even though the nature of Mr. Licon's mental illness appears transitory the GEI conviction was appropriate and that Mr. Licon has been compliant with the treatment recommendations. Dr. Olson questioned Ms. Greer's contention that Mr. Licon is compliant with treatment when the record indicates abusiveness to staff and peers and a pervasive lack of participation. Ms. Greer stated that the record indicates compliance until the time that Mr. Licon lost privileges in 2015. Ms. Greer went on to argue that Mr. Licon, and the community itself, would be better served if his dangerous behaviors were to be treated. Dr. Olson said she was not sure that any psychiatric treatment has shown to be a benefit to anti-social personality disorder, and if there were some other explanation for Mr. Licon's behavior, it might be different.

Mr. Raine reminded the Board of the statutes the upcoming vote shall be based upon.

A motion was made by Susan Stevens, seconded by Julio Ramirez and passed 4 – 0 to grant the request of the Arizona State Hospital's treatment team to transfer Steven Richard Licon to the Arizona Department of Corrections, based on the evidence presented by the Arizona State Hospital's treatment team that Mr. Licon no longer needs ongoing treatment for a mental disease and Mr. Licon is dangerous or has a propensity to reoffend.

Patrick Michael Williams – PSRB No. 12-17

Patrick Michael Williams was present with his attorney, Kennedy Klagge, who was present telephonically. The statutory hearing was held from 2:27 p.m. to 2:30 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

Board staff teleconferenced in Kennedy Klagge and Susan Eazer, Yavapai Deputy County Attorney.

Ms. Eazer said that the State's position is in agreement that there be no change to Mr. Williams' current status. Ms. Klagge shared that she reviewed the report with her client and he has no objection.

A motion was made by Susan Stevens, seconded by Paul O'Connell and passed 4 – 0 to deny conditional release for Mr. Williams based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Williams did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Mr. Williams shall remain committed in the Arizona State Hospital.

DISCUSSION, AMENDMENT AND APPROVAL OF MINUTES

After discussion, this item was deferred to next month.

ADJOURNMENT

The meeting was adjourned at 2:33 p.m.